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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Richard J. Kapusniak, et al

INKJET RECORDING ELEMENT  
COMPRISING SUBBING LAYER  
AND PRINTING METHOD

Serial No. 10/759,896

Filed 16 January 2004

Group Art Unit: 1774

Examiner: Pamela R. Schwartz

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Cheryl L. Batteridge*  
Cheryl L. Batteridge  
10-6-05

Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

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REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 10/758,720. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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The undersigned is an attorney of record. (If this box is not checked do not use this form)

10/6/05

Date  
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Please charge the fee to Eastman Kodak Company Deposit  
Account 05-0225. (A duplicate copy of this request is enclosed)

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.